

**To:** adm15.arwheeler.email[adm15.arwheeler.email@epa.gov]; Molina, Michael[molina.michael@epa.gov]; Gunasekara, Mandy[gunasekara.Mandy@epa.gov]; Benevento, Douglas[benevento.douglas@epa.gov]; Brazauskas, Joseph[brazauskas.joseph@epa.gov]; Coxen, Carrie[coxen.carrie@epa.gov]; Johnson, Taylor[Johnson.Taylor.C@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]  
**Cc:** Walters, Ben[Walters.Ben@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]  
**From:** Walters, Ben[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6897FF29BB1040EAA1941F72198EF569-WALTERS, BE]  
**Sent:** Fri 1/8/2021 8:02:39 PM (UTC)  
**Subject:** 1.8.20 Daily Media Brief  
[1.8.20 Daily Media Report.docx](#)

Sir,

Please see attached/below for today's media brief.

### Daily Media Brief 1/8/20

Most common and notable inquiry topic

1. January 6 protests/25<sup>th</sup> Amendment

#### Bloomberg/Joseph Morton

Topic: January 6 protests/25<sup>th</sup> Amendment

Status: Responded

Response: Forwarded mass email statement from AAW

- Additional Inquiries: EE News (Kevin Bogardus); The Hill (Rebecca Beitsch); Inside EPA (Doug Obey)

#### Law 360/Clint Mindock

Topic: Tzumi Innovations litigation

Status: Responded

Response: "EPA does not comment on pending litigation."

#### Law 360/Morgan Conley

Topic: Mack Environmental Inc. litigation

Status: Responded

Response: "We are reviewing the decision."

#### EE News/Ev Crunden

Topic: Exit Interviews

Status: Developing Response

#### Federal News Network/Nicole Ogrysko

Topic: Workplace flexibilities

Status: Developing response

#### The Hill/Rebecca Beitsch

Topic: PFAS guidance

Status: Developing response

#### The Hill/Rebecca Beitsch

Topic: Science Transparency Rule

Status: Developing response

#### Wired/Rose Eveleth

Topic: Basel Convention on recycling

Status: Developing Response

#### EE News/Jean Chemnick

Topic: CO2 Rule  
Status: Did not respond

**Inside EPA/Dawn Reeves**

Topic: Transition  
Status: Did not respond

**Ben Walters**

*Special Advisor for Digital Media*  
*Office of the Administrator – OPA*  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
M: 202-923-5203

## **Daily Media Brief 1/8/20**

Most common and notable inquiry topic

1. January 6 protests/25<sup>th</sup> Amendment

### **Bloomberg/Joseph Morton**

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Response: "We are reviewing the decision."

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Topic: Exit Interviews

Status: Developing Response

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Topic: Science Transparency Rule

Status: Developing response

### **Wired/Rose Eveleth**

Topic: Basel Convention on recycling

Status: Developing Response

### **EE News/Jean Chemnick**

Topic: CO2 Rule

Status: Did not respond

### **Inside EPA/Dawn Reeves**

Topic: Transition  
Status: Did not respond

Message

---

**From:** Knickmeyer, Ellen [EKnickmeyer@ap.org]  
**Sent:** 1/11/2021 2:29:52 PM  
**To:** Press [Press@epa.gov]; Hewitt, James [hewitt.james@epa.gov]  
**Subject:** Question for Administrator Wheeler on 25th Amendment-on deadline

Morning, all,

We are asking Cabinet and Cabinet-level heads whether they would support invoking the 25<sup>th</sup> amendment, and if it's a possibility they have considered. Can you please get back to me by 2 p.m. ET?

Thank you,  
Ellen

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Message

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**From:** Hewitt, James [hewitt.james@epa.gov]  
**Sent:** 1/7/2021 6:22:25 PM  
**To:** Abby Smith [asmith@washingtonexaminer.com]  
**CC:** Press [Press@epa.gov]  
**Subject:** RE: Washington Examiner inquiry

**From:** Message from the Administrator <[messagefromtheadadministrator@epa.gov](mailto:messagefromtheadadministrator@epa.gov)>  
**Date:** January 7, 2021 at 11:43:07 AM EST  
**To:** Message from the Administrator <[messagefromtheadadministrator@epa.gov](mailto:messagefromtheadadministrator@epa.gov)>  
**Subject:** Statement on Yesterday's Events



Dear Colleagues,

As an American and as a 14 year veteran Senate staffer, I was completely disgusted by yesterday's events. There is no place for violence in settling political disputes. During my entire career I have upheld the rule of law and the Constitution of the United States. I take my oath of office, my obligation to the Agency and to the American People very seriously.

In my first speech to you, the Agency employees, I vowed to leave the Agency stronger than I found it. To date, we have provided the Biden transition team with hundreds of documents and over fifty briefings. My intention is to continue to honor the mission of the Agency, to protect public health and the environment, until January 20th in order to provide as smooth a transition for the Agency as possible.

Andrew Wheeler  
Administrator

**From:** Abby Smith <[asmith@washingtonexaminer.com](mailto:asmith@washingtonexaminer.com)>  
**Sent:** Thursday, January 7, 2021 1:21 PM  
**To:** Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)>  
**Cc:** Press <[Press@epa.gov](mailto:Press@epa.gov)>  
**Subject:** Re: Washington Examiner inquiry

Hi James,

Just following up here to see if the Administrator has any comment on the events yesterday at the Capitol. Please let me know as soon as possible.

Thanks!

Abby

On Thu, Jan 7, 2021 at 11:46 AM Abby Smith <[asmith@washingtonexaminer.com](mailto:asmith@washingtonexaminer.com)> wrote:

Hi James,

Thanks again for confirming the interview time yesterday! I'm looking forward to speaking with the Administrator next week about his work leading the agency.

I'm reaching out to see if you all have any comment about reports that Cabinet officials are considering the possibility of invoking the 25th Amendment after yesterday's events at the Capitol. Has the Administrator been involved in any of those discussions or would he support invoking the 25th Amendment?

Please let me know if you're able to provide a statement on this and the events yesterday.

Thanks in advance,

Abby

--

Abby Smith  
Energy & Environment Reporter, The Washington Examiner  
Email: [asmith@washingtonexaminer.com](mailto:asmith@washingtonexaminer.com)  
Office: 202-496-3330  
Cell: 571-239-3728  
@AbbySmithDC

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Message

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**From:** Abby Smith [asmith@washingtonexaminer.com]  
**Sent:** 1/7/2021 6:32:45 PM  
**To:** Hewitt, James [hewitt.james@epa.gov]  
**CC:** Press [Press@epa.gov]  
**Subject:** Re: Washington Examiner inquiry  
**Attachments:** ATT00001.txt

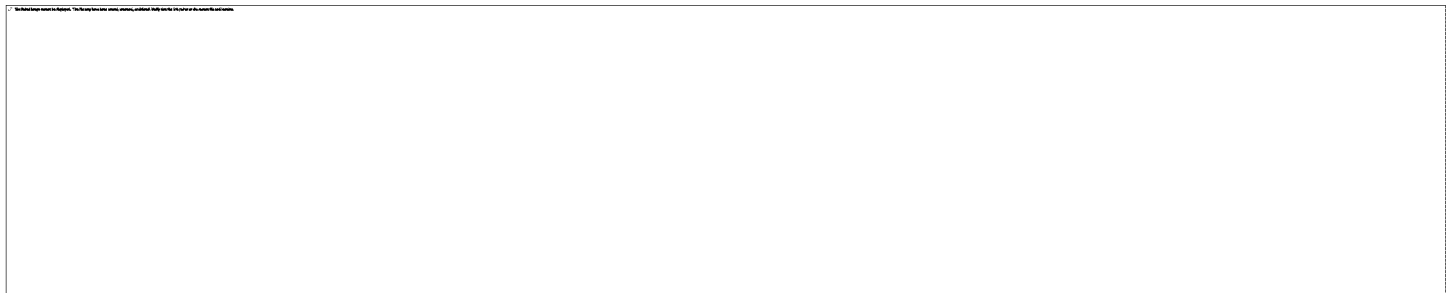
Thanks, James. Is there anything you're able to say about the news of conversations about invoking the 25th Amendment? Does Administrator Wheeler have any concerns about how President Trump handled yesterday? I'm sure you're also seeing the news breaking about Transportation Secretary Chao reportedly resigning. Please let me know if you're able to share anything else, on record or on background.

Thanks again for your help,

Abby

On Thu, Jan 7, 2021 at 1:22 PM Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)> wrote:

**From:** Message from the Administrator <[messagefromtheadministrator@epa.gov](mailto:messagefromtheadministrator@epa.gov)>  
**Date:** January 7, 2021 at 11:43:07 AM EST  
**To:** Message from the Administrator <[messagefromtheadministrator@epa.gov](mailto:messagefromtheadministrator@epa.gov)>  
**Subject:** **Statement on Yesterday's Events**



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Message

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**From:** Kevin Bogardus [kbogardus@eenews.net]  
**Sent:** 1/8/2021 5:01:49 PM  
**To:** Hewitt, James [hewitt.james@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Rodriguez, Alejandra (Allie) [rodriguez.alejandra@epa.gov]; Press [Press@epa.gov]  
**CC:** Hannah Northey [hnorthey@eenews.net]  
**Subject:** RE: 25th Amendment process

Hey everyone, it's Kevin Bogardus with E&E News again. I'm checking in about the below. Any thoughts? Please let me know as soon as possible since my deadline has passed. Thanks so much!

**Kevin Bogardus**

E&E News Reporter

[kbogardus@eenews.net](mailto:kbogardus@eenews.net)

202-446-0401 (p)

202-247-7844 (c)

202-737-5299 (f)

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**E&E News**

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

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**From:** Kevin Bogardus

**Sent:** Friday, January 08, 2021 7:00 AM

**To:** Hewitt, James; Block, Molly; McFaul, Jessica; rodriguez.alejandra@epa.gov; press@epa.gov

**Cc:** Hannah Northey

**Subject:** 25th Amendment process

Hey everyone,

Hi, it's Kevin Bogardus with E&E News. I hope all is well.

Myself and my colleague Hannah Northey (who is CC'ed on this email) are working on a story about the 25th Amendment process, specifically who among energy and environmental agencies and departments would have a say in that process. I had a few questions about this, which are:

-- Experts told me Administrator Wheeler would not be involved in the 25th Amendment process since he is the "principal officer" of an independent agency, not an "executive department," as stated in Section 4 of the 25th Amendment (please see <https://www.archives.gov/founding-docs/amendments-11-27>). Is that EPA's understanding as well? Has EPA analyzed this issue in recent days, given its discussion among lawmakers and cabinet members?

-- Is Administrator Wheeler considering or has he cut short his trip to Costa Rica to return to Washington, D.C.? If so, when does he return to Washington, D.C.? I ask because other cabinet members have cut their foreign travel short to return to Washington, D.C. because of the riot at the Capitol and subsequent discussion of impeachment and the 25th Amendment process among lawmakers and cabinet members.

-- Has Administrator Wheeler had any discussions with other cabinet members about invoking the 25th Amendment? If so, when were those discussions and with whom?

-- if Vice President Pence were to invoke the 25th amendment, would Administrator Wheeler, even if he has no formal role in the 25th Amendment process, support Vice President Pence in removing President Trump from office?

Please get back to me as soon as possible. My deadline is noon ET today but the sooner you get back to me, the more it helps my reporting. Also, since I'm working from home, please email me here or call my cell phone at 202-247-7844. Thank you for your help and stay safe, stay healthy!

**Kevin Bogardus**

E&E News Reporter

[kbogardus@eenews.net](mailto:kbogardus@eenews.net)

202-446-0401 (p)

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Follow me [@KevinBogardus](#)

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

Message

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**From:** Coral Davenport [coral.davenport@nytimes.com]  
**Sent:** 1/7/2021 2:50:24 AM  
**To:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** 25th amendment

Hi, James,

I hope you're staying safe and well.

I'm wondering if there is any discussion among Cabinet members about invoking the 25th amendment declaring the president unfit to serve and removing him from office?

Best,

Coral

--

Coral Davenport  
Energy and Environment Correspondent  
The New York Times  
Washington Bureau  
1627 I St. NW, Suite 700  
Washington, DC 20006  
[coral.davenport@nytimes.com](mailto:coral.davenport@nytimes.com)  
O 202-862-0359  
C 703-618-0645  
Twitter @CoralMDavenport

Message

---

**From:** Coral Davenport [coral.davenport@nytimes.com]  
**Sent:** 1/7/2021 3:02:45 AM  
**To:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** Re: 25th amendment

Also -- I know that some WH staffers resigned today and I understand more resignations are coming. Does administrator Wheeler expect to resign in the coming days, in response to today's events?

thanks again,  
cd

On Wed, Jan 6, 2021 at 9:50 PM Coral Davenport <[coral.davenport@nytimes.com](mailto:coral.davenport@nytimes.com)> wrote:

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O 202-862-0359  
C 703-618-0645





Message

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**From:** Abby Smith [asmith@washingtonexaminer.com]  
**Sent:** 1/7/2021 4:46:16 PM  
**To:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** Washington Examiner inquiry

Hi James,

Thanks again for confirming the interview time yesterday! I'm looking forward to speaking with the Administrator next week about his work leading the agency.

I'm reaching out to see if you all have any comment about reports that Cabinet officials are considering the possibility of invoking the 25th Amendment after yesterday's events at the Capitol. Has the Administrator been involved in any of those discussions or would he support invoking the 25th Amendment?

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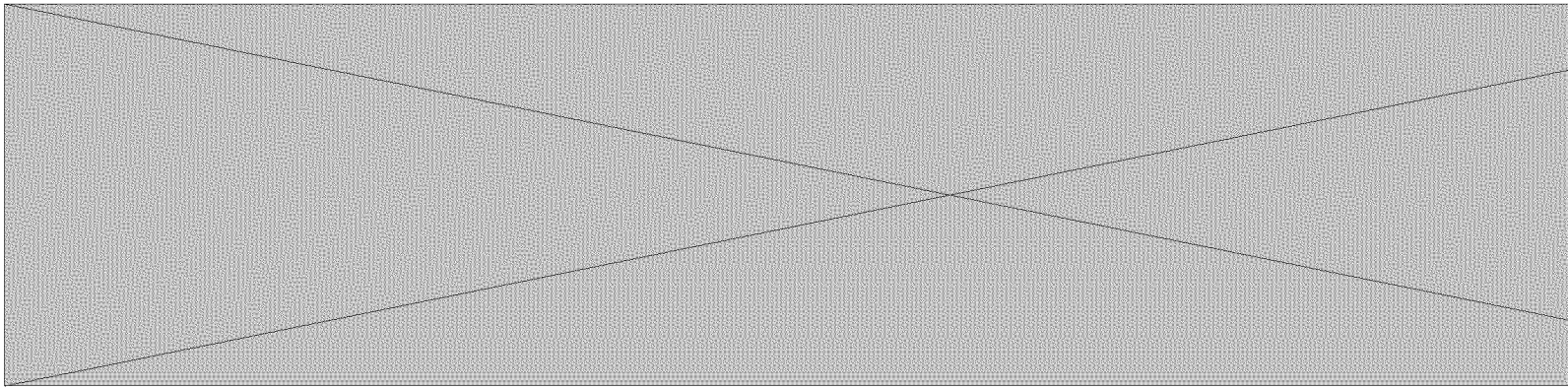
**To:** Hewitt, James[hewitt.james@epa.gov]  
**From:** Joseph Morton[josephmorton@cqrollcall.com]  
**Sent:** Thur 1/7/2021 7:07:51 PM (UTC)  
**Subject:** Re: Statement  
[ATT00001.txt](#)

Got it, thanks James! On a related note, there was some debate earlier in house over whether the EPA administrator is part of the Cabinet for purposes of the 25th amendment. I found a DOJ memo that says it's only the 15 department heads who would vote on removal but of course EPA administrator is considered part of the Cabinet in other contexts. Anyway, any guidance on that whether on/off the record or just pointing me to a public source greatly appreciated.

On Thu, Jan 7, 2021 at 2:02 PM Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)> wrote:

Was an email send agency-wide. See below:

**From:** Message from the Administrator <[messagefromtheadministrator@epa.gov](mailto:messagefromtheadministrator@epa.gov)>  
**Date:** January 7, 2021 at 11:43:07 AM EST  
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Andrew Wheeler  
Administrator

**From:** Joseph Morton <[josephmorton@cqrollcall.com](mailto:josephmorton@cqrollcall.com)>  
**Sent:** Thursday, January 7, 2021 2:01 PM  
**To:** Press <[Press@epa.gov](mailto:Press@epa.gov)>  
**Subject:** Statement

Hi guys, I saw a Bloomberg quote from the administrator about yesterday's events. Was that in a statement and if so can you share? Apologies if I missed a release.